

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS, State Bar No. 171168
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2557
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **LILIANA ANDREA NOBLE**
13 1391 Sorento Drive
Weston, Florida 33326

14 Registered Nurse License No. 699067

15 Respondent.

Case No.

2010-22

ACCUSATION

16
17 Heidi J. Goodman, Assistant Executive Officer ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about March 1, 2007, the Board issued Registered Nurse License
24 Number 699067 ("license") to Liliana Andrea Noble ("Respondent"). The license expired on
25 September 30, 2008, and has not been renewed.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 STATUTORY PROVISIONS

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or
15 licensed nurse or deny an application for a certificate or license for
any of the following:

16 (a) Unprofessional conduct, . . .

17 7. Code section 2762 states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct
19 within the meaning of this chapter [the Nursing Practice Act], it is
unprofessional conduct for a person licensed under this chapter to
20 do any of the following:

21 (a) Obtain or possess in violation of law, or prescribe,
or except as directed by a licensed physician and surgeon, dentist,
22 or podiatrist administer to himself or herself, or furnish or
administer to another, any controlled substance as defined in
23 Division 10 (commencing with Section 11000) of the Health and
Safety Code or any dangerous drug or dangerous device as defined
24 in Section 4022.

25 (e) Falsify, or make grossly incorrect, grossly
inconsistent, or unintelligible entries in any hospital, patient, or
26 other record pertaining to the substances described in subdivision
(a) of this section.

27 ///

28 ///

8. Health and Safety Code Section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10. DRUGS

"Morphine," is a Schedule II controlled substance, as designed by Health and Safety Code section 11055, subdivision (b)(1)(M).

"Toradol," a nonsteroidal anti-inflammatory, is a dangerous drug within the meaning of Code section 4022, in that it requires a prescription under federal law.

FIRST CAUSE FOR DISCIPLINE

(Incorrect and/or Inconsistent Entries in Hospital and/or Patient Records)

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that while employed by ATF Healthcare Travel Registry and on assignment as a registered nurse in the Post Partum Unit at Kaiser Permanente West Los Angeles Medical Center in Los Angeles, California, Respondent made grossly incorrect or grossly inconsistent entries in hospital and/or patient records, as follows:

Patient 3 - Room 4213

a. On August 6, 2007, at 1920, 2300, 0200 hours and on August 7, 2007, at 0630 hours, Respondent signed out each time, a 10 mg. injection of Morphine, a controlled substance, from the hospital's Controlled Drug Distribution cart for this patient when this patient was not her assignment and there was no physician order therefor. Furthermore, Respondent failed to chart the administration of the Morphine in the patient's Medication Administration

1 Record and has failed to account for the wastage or disposition of the Morphine in any patient
2 record or other hospital record. Also, the patient denies receiving the medication.

3 Patient 2 - Room 4215

4 b. On August 11, 2007 at 0040 hours, Respondent signed out one 10 mg.
5 injection of Morphine, a controlled substance, from the hospital's Controlled Drug Distribution
6 cart for this patient when there was no physician order therefor. Further, Respondent failed to
7 chart the administration of the 10 mgs. of Morphine in the patient's Medication Administration
8 Record and has failed to account for the wastage or disposition of the Morphine in any patient
9 record or other hospital record. Also, the patient denies receiving the medication.

10 Patient 1 - Room 4212

11 c. On August 11, 2007 at 1930 hours, Respondent signed out one 10 mg.
12 injection of Morphine, a controlled substance, from the hospital's Controlled Drug Distribution
13 cart for this patient. The Distribution Record indicates Respondent administered 5 mgs. of
14 Morphine and wasted 5 mgs. of Morphine. However, Respondent failed to chart the
15 administration of the 5 mgs. of Morphine in the patient's Medication Administration Record and
16 has failed to account for the wastage or disposition of the 5 mgs. of Morphine in any patient
17 record or other hospital record. Further, the patient denies receiving the medication.

18 d. On August 11, 2007 at 2000 hours, Respondent signed out one 15 mg.
19 injection of Toradol, a dangerous drug, from the hospital's Controlled Drug Distribution cart for
20 this patient. The Distribution Record indicates Respondent administered 15 mgs. of Toradol at
21 1900 hours in the Medication Administration Record, one hour before withdrawing the drug.
22 Further, the patient denies receiving the medication.

23 e. On August 11, 2007, at 2240 hours, Respondent signed out one 10mg.
24 injection of Morphine, a controlled substance, from the hospital's Controlled Drug Distribution
25 for this patient. The Distribution Record indicates Respondent administered 5 mgs. of the
26 Morphine and wasted 5 mgs. of the Morphine. The Medication Administration Record indicates
27 Respondent administered 5 mgs. of Morphine at 2230 hours. Further, the patient denied
28 receiving any pain medication from Respondent at either 2230 hours or 2240 hours.

1 f. On August 12, 2007 at 0600 hours, Respondent signed out one 15 mg.
2 injection of Toradol, a dangerous drug, from the hospital's Controlled Drug Distribution Record
3 cart for this patient. The Distribution Record indicates Respondent administered 15 mgs. of
4 Toradol. However, Respondent failed to chart the administration of the 15 mgs. of Toradol in
5 the patient's Medication Administration Record. Further, the patient denies receiving the
6 medication.

7 g. On August 12, 2007 at 0640 hours, Respondent signed out one 10 mg.
8 injection of Morphine, a controlled substance, from the hospital's Controlled Drug Distribution
9 cart for this patient. The Distribution Record indicates Respondent administered 5 mgs. of
10 Morphine and wasted 5 mgs. of Morphine. There is no record of a witness. Further, Respondent
11 failed to chart the administration of the 5 mgs. of Morphine in the patient's Medication
12 Administration Record and the patient denies receiving the medication.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Obtained and Self-Administered a Controlled Substance)**

15 12. Respondent is subject to disciplinary action under Code section 2761,
16 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
17 subdivision (a), in that while employed by ATF Healthcare Travel Registry and on assignment as
18 a registered nurse in the Post Partum Unit at Kaiser Permanente West Los Angeles Medical
19 Center in Los Angeles, California, Respondent committed the following acts:

20 a. Between August 3, 2007, and August 12, 2007, Respondent obtained
21 Morphine, a controlled substance, and Toradol, a dangerous drug, by fraud, deceit,
22 misrepresentation or subterfuge, or by a concealment of material fact, by obtaining the drugs
23 from hospital supplies for her own personal use, in violation of Health and Safety Code section
24 11173, subdivision (a), as set forth in Paragraph 11 a, b, c, e, f, and g, above.

25 b. Between August 3, 2007, and August 12, 2007, Respondent self-
26 administered Morphine, a controlled substance, and Toradol, a dangerous drug, without lawful
27 authority, as set forth in Paragraph 11 a, b, c, e, f, and g, above.

28 ///

1 **PRAYER**


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 699067
5 issued to Liliana Andrea Noble;

6 2. Ordering Liliana Andrea Noble to pay the Board the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Code section 125.3;

8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: 7/21/09

11
12 
13 HEIDI J. GOODMAN
14 Assistant Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
19
20
21
22
23
24
25
26